IN THE HIGH COURT OF PUNJAB AND HARYRNA AT CHANDIGARH

C.O.C.P. No.489 of 2006
Date of Decision:- 26.10.2006

Balwinder Kaur ....Petitioner

through
Mrs.K.K.Kahlon, Advocate

vs.

Vikram Singh, Dy.C.C.M/Claims ....Respondent

through
Mr.Puneet Jindal, Advocate

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT

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SURYA KANT, J.

The petitioner filed C.W.P.No.19913 of 2003 for the grant of compensation on the ground of their sole bread earner having been killed in the riots which took place in the year 1984. A Division Bench of this Court vide judgment dated May 04, 2005 directed the Ministry of Railways (respondent No.2) to grant a compensation of Rs.4,00,000/- to the petitioner within a period of three months. It was further directed that if the amount of Rs.4,00,000/- was not paid within the stipulated period, the petitioner would also be entitled to interest at the rate of 9% per annum from the date of incident till realization.

Alleging non-compliance of the aforesaid order, this contempt petition has been filed.

In response to the show cause notice, Mr.Puneet Jindal, learned counsel for the respondents has pointed out that after the judgment dated

May 04, 2005 came to the notice of the Railway Authorities, an application under Order 9 Rule 13 read with Section 151 CPC was moved by them for recalling the above-stated order and during the pendency of the said application, the Bench directed the Railway Authorities on 3.3.2006 to deposit the entire amount of compensation awarded to the petitioner along with the interest. It is stated by Mr.Jindal that in compliance to the above-stated order, a sum of Rs.11,69,500/- has been deposited with the Registrar (General) of this Court. The fact regarding deposit of the above-mentioned amount with the Registrar (General) of this Court is not disputed by learned counsel for the petitioner also.

It may be mentioned here that the above-stated application under Order 9 Rule 13 read with Section 151 CPC moved by the Railway Authorities has since been dismissed by this Court vide order dated May 31, 2006. As informed by Mr.Jindal, no special leave to petition was filed and as such the judgment dated May 04, 2005 as well as the order dated May 31, 2006 have attained finality.

As per the order dated May 04, 2005 passed by this Court, the respondents were liable to pay interest at the rate of 9% per annum on Rs.4,00,000/- i.e. the amount of compensation. The said interest is to be paid from the date of incident till its realization. Mr.Jindal states that while depositing the amount with the Registrar (General) of this Court, the interest at the aforesaid rate has been calculated and deposited along with the principal amount of Rs.4,00,000/-.

In this view of the matter, since the respondents have complied with the order dated May 04, 2005, this petition is disposed of with a direction to the learned Registrar (General) of this Court to release the

above-mentioned amount deposited by the Railway Authorities in favour of the petitioner as early as possible, preferably within two weeks.

Rule discharged.

Let a copy of this order be given dasti on payment of usual charges to learned counsel for the parties to approach the learned Registrar (General).

October 26, 2006 **(SURYA KANT)**
poonam **JUDGE**